

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES H. GORBNEY, JR.,
Administrator of the Estate of
Marissa Rose Fishman, Deceased,

Plaintiff,

v.

C.A. No. 05-211 KAJ

RICHARD LONGWILL,
BARBARA LONGWILL,
AIR BASE CARPET MART, INC.
d/b/a Air Base Distributing, Inc. d/b/a
Air Base Carpet Mart, AIR BASE
DISTRIBUTING, INC., ASHLAND
CONSTRUCTION COMPANY, INC.,
JOSEPH RIZZO & SONS
CONSTRUCTION, VINCENT RIZZO
CONSTRUCTION CO., INC.,
d/b/a Ashland Construction Co., Inc.,
JOSEPH V. RIZZO, VINCENT RIZZO,

Defendants.

JURY TRIAL DEMANDED

**DEFENDANTS', ASHLAND CONSTRUCTION COMPANY, INC.,
VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND
CONSTRUCTION CO., INC. JOSEPH V. RIZZO, AND VINCENT RIZZO,
MOTION FOR SUMMARY JUDGMENT AS TO LIABILITY**

Defendants Ashland Construction Company, Inc., Vincent Rizzo Construction Co., Inc.,
d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo respectfully move,
pursuant to Fed. R. Civ. P. 56, for summary judgment.

The grounds for this motion are set forth in the accompanying opening brief. An
appropriate form of Order is attached.

Respectfully submitted,
MURPHY SPADARO & LANDON

/s/ Chase T. Brockstedt
ROGER D. LANDON (ID #: 2460)
CHASE T. BROCKSTEDT (ID #: 3815)
1011 Centre Road, Suite 210
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Attorneys for Defendants
Ashland Construction Company, Inc.,
Vincent Rizzo Construction Co., Inc.,
d/b/a Ashland Construction Co., Inc.
Joseph V. Rizzo, and Vincent Rizzo

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NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendants', Ashland Construction Company, Inc., Vincent Rizzo Construction Co. Inc., d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo, Motion for Summary Judgment as to Liability will be presented to the Court at its convenience.

MURPHY SPADARO & LANDON

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CONSTRUCTION CO., INC.,
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Defendants.

JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2006, upon
consideration of Defendants', Ashland Construction Company, Inc., Vincent Rizzo Construction
Co. Inc., d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo, Motion and
Opening Brief in Support for Summary Judgment as to Liability, any response thereto, and all
other matters of record, it is hereby ORDERED and DECREED that Defendants', Ashland
Construction Company, Inc., Vincent Rizzo Construction Co. Inc., d/b/a Ashland Construction
Co., Inc., Joseph V. Rizzo, and Vincent Rizzo, Motion is GRANTED.

The Honorable Kent A. Jordan

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Defendants.

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CERTIFICATE OF SERVICE

I, Chase T. Brockstedt, Esq., do hereby certify that on this 28th day of April, 2006, two copies of the foregoing DEFENDANTS', ASHLAND CONSTRUCTION CO., INC., VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND CONSTRUCTION CO., INC., JOSEPH V. RIZZO AND VINCENT RIZZO MOTION FOR SUMMARY JUDGMENT AS TO LIABILITY, were e-filed and delivered in the manner indicated to the following individual(s):

Via First Class Mail

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